

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

HOPE PANNELL
16016 Mendota Avenue
Maple Heights, Ohio 44137,

Plaintiff,

V.

PORTFOLIO RECOVERY
ASSOCIATES, LLC
c/o National Registered Agents, Inc.
145 Baker Street
Marion, Ohio 43302,

Defendant.

[illegible]

COMPLAINT

PLAINTIFF HOPE PANNELL (Plaintiff), by her attorneys, KAHN AND ASSOCIATES, L.L.C., alleges the following against DEFENDANT PORTFOLIO RECOVERY ASSOCIATES, LLC (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and *28 U.S.C. 1367* grants this court supplemental jurisdiction over the state claims contained therein.
3. Because Defendant conducts business in Ohio, personal jurisdiction is established.
4. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

PARTIES

5. Plaintiff is a natural person who resides in City of Maple Heights, Cuyahoga County, Ohio and is allegedly obligated to pay a debt, and Plaintiff is a "consumer" as that term is defined by *15 U.S.C. 1692a(3)*.
6. Pursuant to the definitions outlined in *15 U.S.C. 1692a(1-6)*, Defendant is a debt collector and sought to collect a consumer debt from Plaintiff which was allegedly due and owing from Plaintiff, and Plaintiff is a consumer debtor.
7. Defendant is a Delaware corporation and a debt collector with an office in Norfolk, Virginia.
8. Defendant uses instrumentalities of interstate commerce or the mails in a business the principal purpose of which is the collection of any debts and/or regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by *15 U.S.C. § 1692a(6)*.
9. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

10. For many months preceding April, 2012, Defendant, often 3-4 times daily, has placed collection calls to Plaintiff's number, 216.510.5660, seeking to collect on alleged consumer debt on an outstanding account balance.
11. Plaintiff has informed Defendant verbally on numerous occasions, and in writing on at least one occasion, that the debt being sought for collection was included in Plaintiff's bankruptcy filing and discharge more than 2 years ago such that the debt is no longer subject to lawful collection, and has further made verbal and written request that

Defendant therefore cease its calls and contacts, yet Defendant continues to call her almost daily seeking to collect on the alleged debt. Defendant places calls with the intent of harassing or annoying Plaintiff as opposed to trying to reach her for legitimate reasons.

12. Plaintiff believes she is not lawfully obligated to remit any personal payment as Defendant misrepresented.

COUNT I

DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

13. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d(5) by causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.
- b. Defendant violated §1692e by using any false, deceptive, or misleading representation or means in connection with the collection of a debt.
- c. Defendant violated §1692f by using any unfair or unconscionable means to collect or attempt to collect a debt.
- d. Defendant violated §1692c(c) by failing to cease further communications with the consumer after being notified in writing that the consumer refuses to pay the debt or that the consumer wishes the debt collector to cease further communication.
- e. Defendant violated §1692e(2)(A) by the false representation of the character, amount, or legal status of a debt.

WHEREFORE, Plaintiff, HOPE PANNELL, respectfully requests judgment be entered against Defendant, for the following:

14. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
15. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
16. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

Plaintiff, HOPE PANNELL, requests a jury trial in this case.

Respectfully submitted,

KAHN & ASSOCIATES, LLC

/s/ David W. Skall

DAVID W. SKALL (0068740)

dskall@kahnandassociates.com

6200 Rockside Woods Blvd., Suite 215

Cleveland, Ohio 44131

216.621.6101 Telephone

216.621.6006 Facsimile

Attorney for Plaintiff